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In re Application of
Vozhdaev, Yevgeny, et al.
Application No.: 09/720,494
PCT No.: PCT/EP99/03632
Int. Filing Date: 26 May 1999
Priority Date: 26 May 1998
Docket No.: 87528.000002
For: PITOT-STATIC TUBE

DECISION
ON PETITION UNDER
37 CFR 1.137(b)

This decision is in response to applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Unintentionally Abandoned Under 37 C.F.R. 1.137(b)," filed 04 March 2002.

BACKGROUND

On 26 May 1999, applicants filed international application PCT/EP99/03632, which claimed a priority date of 26 May 1998. A copy of the international application was transmitted to the United State Patent and Trademark Office from the International Bureau (IB) on 02 December 1999. On 19 November 1999, applicants filed a demand for International Preliminary Examination, in which the United States was elected. Accordingly, the thirty month period for paying the basic national fee expired at midnight on 26 November 2000.

On 29 December 2000, applicants filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee and a preliminary amendment.

On 02 February 2001, the United State Designated /Elected Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the applicants failed to provide the full U.S. Basic National Fee by thirty months.

On 26 February 2001, applicants filed Response to Notice of Abandonment, which was treated as a petition under 37 CFR 1.10(c).

On 04 January 2002, the Office mailed Decision On Petition Under 37 CFR 1.10(c), dismissing the petition.

On 04 March 2002, applicants filed the instant petition to revive accompanied by, *inter alia*, the petition fee, and copies of the earlier petition decision and the Notification of Abandonment (PCT/DO/EO/909).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicants' statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfies the requirements of 37 CFR 1.137(b)(3). Applicants have paid both the petition fee and the basic national fee. A terminal disclaimer is not required as application was filed on 26 May 1999. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

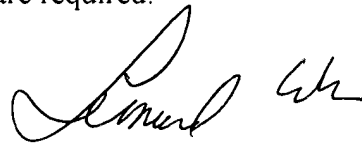
CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including preparation of a Notification of Missing Requirements indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the fee for late filing of the oath or declaration are required.



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